

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:05CR258 CDP
)
LEDARIUS VENICE COOK,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on defendant Ledarius Venice Cook's motions to suppress evidence and statements.

Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge Audrey G. Fleissig. An evidentiary hearing was held on June 21, 2005, and thereafter Judge Fleissig filed her Report and Recommendation regarding the defendant's motions. On August 16, 2005, defendant filed his objections to Judge Fleissig's recommendations and requested a further hearing on his request for a Franks hearing.

I have conducted a de novo review of all matters relevant to the motions, including listening to the recording of the hearing and reviewing the evidence. After careful consideration, I will adopt and sustain the thorough reasoning of Magistrate Judge Fleissig set forth in support of her recommended rulings issued on July 29,

2005. Neither the evidence at the hearing nor the arguments raised and evidence submitted in defendant's request for a Franks hearing justify a hearing or call into question the issue of probable cause for issuance of the search warrant. Defendant has failed to provide any evidence that shows that any law enforcement officer deliberately or recklessly provided false information in the warrant application. See United States v. Carpenter, No. 03-1982, (8th Cir. Sept. 6, 2005)(slip op. at p. 7-8)(defendant not entitled to Franks hearing where he "relies entirely on his own accusations that the agent acted deliberately or recklessly" and where he points to only "minor discrepancies.").

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [#49] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant's motions to suppress evidence and statements [#36, #37] are denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 14th day of September, 2005.